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Attorney Docket No. 054756-5003US

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### KIT FOR CHONDROCYTE CELL TRANSPLANTATION

the specification of which is attached hereto and/or was filed on February 1, 2002 as Application No. 10/061,655.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or 365(b), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

10061655-042302

**FOREIGN PRIORITY APPLICATION(S)**

Priority Claimed

PCT/IB00/01093 August 2, 2000 [X] Yes [ ] No  
(Number) (Country) (Day/month/year filed)

Priority Claimed  
[ ] Yes [ ] No

\_\_\_\_\_  
(Number) (Country) (Day/month/year field)

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any United States provisional patent application(s) having a filing date before that of the application on which priority is claimed.

**PROVISIONAL PRIORITY PATENT APPLICATION**

Priority Claimed

60/146,683 August 2, 1999 [X] Yes [ ] No  
(Application No.) (Filing Date)

[ ] Yes [ ] No

\_\_\_\_\_  
(Application No.) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below or 365(c) of any PCT International application designating the United States and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application, in the prior U.S. provisional application or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status)--(patented, pending, abandoned)

(Application Serial No.) (Filing Date) (Status)--(patented, pending, abandoned)

And I hereby appoint the registered attorneys and agents associated with **MORGAN, LEWIS & BOCKIUS, LLP, Customer No. 028977**, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to **Customer No. 028977, namely, MORGAN, LEWIS & BOCKIUS, LLP**, 1701 Market Street, Philadelphia, Pennsylvania 19103-2921. Please direct all communications and telephone calls to **Louis W. Beardell, Jr.** at (215) 963-5067.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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10051655-042302

# PLUS UTILITY ASSESSMENT QUESTIONNAIRE

Application number \_\_\_\_\_, Work Group \_\_\_\_\_, has been processed through the BRS PLUS, (RELEASE 2) search system. A floppy disc containing the PLUS search results is attached to the application jacket. When you have used the PLUS-furnished materials, please take a few minutes to circle the answers to the questions below. By completing these questions you assist in assessing the value of this search tool.

- 1). Did PLUS provide you with art useful to this case? YES NO

If YES above, please indicate the ways in which PLUS-located art was/may be of use.  
[Circle as many items as apply.]

PROBABLE 102['S]	PROBABLE 103['S]	SECONDARY REFERENCE[S]	STATE OF ART REFERENCE[S]
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- 2). Did PLUS locate the best available art for this case? YES NO

If NO above, was the best available art: [Circle as many items as apply]

1972 OR LATER U.S.	PRE-1972 U.S.	FOREIGN PATENTS	NON-PATENT PRIOR ART
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- 3). PLUS identifies U.S. classifications that may be relevant to an application's field of search.

Did you use this feature?

YES NO

If YES above, did you find the classifications identified by PLUS to be generally relevant?

YES NO

If YES above, did PLUS suggest any relevant classifications that were outside of your normal field of search for this art?

YES NO

- 4). Taking into account all your uses of PLUS, please indicate the utility of the PLUS search to this case. [Circle one]

HIGH UTILITY	GOOD UTILITY	SOME UTILITY	LIMITED UTILITY	LITTLE/NO UTILITY
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- 5). How does PLUS compare, in terms of utility, to other "on-line" search systems with which you are familiar? [Circle one.] If you do not, as a rule, use such systems, circle DON'T KNOW.

MORE USEFUL	AS USEFUL	LESS USEFUL	DON'T KNOW
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WRITE ANY COMMENTS OR SUGGESTIONS REGARDING PLUS ON THE REVERSE OF THIS SHEET AND RETURN THIS FORM TO YOUR EIC.